



November 16, 1999

Mr. Joe Grubbs  
Ellis County & District Attorney  
Ellis County Courthouse  
Waxahachie, Texas 75165-3759

OR99-3257

Dear Mr. Grubbs:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 129416.

The Ellis County and District Attorney (the “county and district attorney”) received a request for “a copy of a dash-cam video shot on November 11, 1998” showing an Ellis County law enforcement officer in a high-speed chase. You assert that the requested video is excepted from required public disclosure based on sections 552.103 and 552.108 of the Government Code. We conclude that the tape is excepted from disclosure based on section 552.101 of the Government Code and therefore do not address your sections 552.103 and 552.108 claims.

Section 552.101 of the Government Code excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” Section 261.201 of the Family Code reads in pertinent part as follows:

(a) The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

(1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and

(2) except as otherwise provided in this section, the files, reports, records, communications, audiotapes, videotapes, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

We believe that the requested tape is a record used or developed in an investigation made under chapter 261 of the Family Code. Because you have not cited any specific rule that the county and district attorney has adopted with regard to the release of this type of information, we assume that no such regulation exists. Given that assumption, the requested information is confidential pursuant to section 261.201 of the Family Code. *See Open Records Decision No. 440 (1986) at 2 (construing predecessor statute).* Accordingly, the county and district attorney must not release the requested information to the requestor. Gov't Code § 552.101.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Kay H. Hastings  
Assistant Attorney General  
Open Records Division

KHH/ch

Ref.: ID# 129416

Encl. Submitted video tape

cc: Mr. Michael Bailey  
Story Administrator  
Industry R&D  
2395 Calabasas Road, Suite 207  
Calabasas, California 91302  
( w/o enclosures)